

REMARKS

Prior to entry of this amendment, claims 1-28, 30, 32-41, 43-48, 50 and 51 were pending. Claim 52 is added herein. Claims 17-19, 37, 38, 45-48, 50 and 51, directed to non-elected subject matter, are cancelled. Thus, after entry of this amendment, **claims 1-16, 20-28, 30, 32-36, 39-41, 43, 44 and 52 will be pending.** Of these, claims 26-28, 30, 32-36 and 39-41 are currently withdrawn.

Claims 3, 4, 6 and 8 are amended to incorporate the single nucleotide polymorphisms (SNPs) and/or haplotypes listed in referenced Figure 1 or Table 7, as required by the Office. Claim 3 is further amended to include T2R44 in the list of recited T2R genes. Claims 3, 4 and 9 are amended to replace “comprising” with “further comprising” for clarity. Claim 15 is amended to replace “microarray collection” with “collection” for clarity. Claims 22 and 25 are amended to specify that the host cell is an *isolated* host cell. Claim 39 is amended to specify that the T2R44 polymorphism is detected by contacting the test sample with the nucleic acid molecule of claim 1. Support for this amendment can be found, for example, in Example 19, beginning on page 102 of the specification. New claim 52 specifies that the collection comprises at least one oligonucleotide from each of the recited T2R genes.

One paragraph of the specification is amended to remove browser-executable code, as required by the Office.

No new matter has been introduced by these amendments and no amendments are made to distinguish prior art.

SPECIFICATION

The specification is objected to because it contains browser-executable code. In accordance with MPEP §608.01, the paragraph beginning on page 35, line 28 is amended herein to re-write the URLs in non-executable form. In view of the amendment, Applicants request withdrawal of the objection to the specification.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 3, 4 and 6-16 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Each individual rejection is addressed as follows:

Claims 3 and 4 are rejected for omitting essential elements from claims from which they depend. As suggested by the Examiner, claims 3 and 4 are amended to recite that the array *further* comprises the recited nucleic acid molecule. Accordingly, Applicants request withdrawal of this rejection.

Claims 3, 4 and 8 are rejected as lacking essential elements due to the recitation of Figure 1 or Table 7 in the claims. In response, claims 3, 4 and 8 are amended to include the SNPs and/or haplotypes listed in Table 7 or Figure 1. Claim 6 is similarly amended. Thus, Applicants submit the claims are clear and request withdrawal of this rejection.

Claims 6-16 are rejected as allegedly indefinite for the use of “collection” to refer to a group of nucleic acid molecules. The Office alleges it is unknown what is meant by the term “collection” since it is not defined in the specification. Applicants traverse this rejection.

Applicants submit that it is well known in the art that the term “collection” can be used to refer to a group of items, including a group of nucleic acid molecules. The Encarta® World English Dictionary defines “collection” as “a group of things or people together in one place.” In addition, Merriam-Webster's Online Dictionary defines “collection” as “an accumulation of objects gathered for study, comparison, or exhibition.”

Furthermore, the context provided in the specification and claims makes it clear what is intended by the term “collection.” For example, the specification teaches that arrays can contain a “collection” of nucleic acid molecules: “A specific example of such a high throughput device is a DNA or protein microarray, which contains a collection of two or more T2R alleles or SNP-specific oligonucleotides...” (page 28, paragraph beginning on line 19). This is further evidenced in claim 13, which specifies that the “collection” of nucleic acid molecules is affixed to a solid surface in an array.

Thus, it is clear that “collection” as used in the instant claims and specification refers to a group of nucleic acid molecules. Claim 15 is amended to replace “microarray collection” with “collection” for clarity. Accordingly, Applicants submit the term “collection” is not indefinite and request withdrawal of this rejection.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 22 and 25 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 22 and 25 are interpreted as reading on

isolated transformed cells as well as cells of a transgenic organism. The Office states that the specification does not sufficiently enable host cells expressing a T2R44 of SEQ ID NO: 188, 190, 192, 198 or 200 when the host cells are part of a transgenic organism. Claims 22 and 25 are amended herein to specify that the host cells are "isolated" host cells, rendering this rejection moot.

ALLOWED CLAIMS AND REJOINDER

Applicants thank the examiner for indicating that claims 1, 2, 5, 20, 21, 23, 24, 43 and 44 are allowed. It is believed that claims 3, 4, 6-16, 22, 25 and 52 also are in condition for allowance. In response to the Restriction Requirement dated April 4, 2008, Applicants elected the product claims of Group I, directed to T2R44 variant-specific nucleic acid molecules. Applicants request rejoinder and examination of withdrawn process claims, including the claims of Group III (claims 26-28, 30, 32 and 33), Group IV (claims 34-36) and Group VI (claims 39-41). The claims of Group III and Group IV depend directly or indirectly from allowed claim 20. The claims of Group VI depend directly or indirectly from allowed claim 1.

CONCLUDING STATEMENT

It is respectfully submitted that the present claims are in a condition for allowance. Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Jodi L. Connolly/
Jodi L. Connolly, Ph.D.
Registration No. 54,044